

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2045
(Reference to printed resolution)

1 Strike everything after the resolving clause and insert:

2 "1. Article IV, part 1, section 1, Constitution of Arizona, is
3 proposed to be amended as follows if approved by the voters and on
4 proclamation of the Governor:

5 1. Legislative authority; initiative and referendum

6 Section 1. (1) Senate; house of representatives;
7 reservation of power to people. The legislative authority of the
8 state shall be vested in the legislature, consisting of a senate
9 and a house of representatives, but the people reserve the power
10 to propose laws and amendments to the constitution and to enact
11 or reject such laws and amendments at the polls, independently of
12 the legislature; and they also reserve, for use at their own
13 option, the power to approve or reject at the polls any act, or
14 item, section, or part of any act, of the legislature.

15 (2) Initiative power. The first of these reserved powers
16 is the initiative. Under this power ten per ~~centum~~ CENT of the
17 qualified electors shall have the right to propose any measure,
18 and fifteen per ~~centum~~ CENT shall have the right to propose any
19 amendment to the constitution.

20 (3) Referendum power; emergency measures; effective date
21 of acts. The second of these reserved powers is the referendum.
22 Under this power the legislature, or five per ~~centum~~ CENT of the
23 qualified electors, may order the submission to the people at the
24 polls of any measure, or item, section, or part of any measure,
25 enacted by the legislature, except laws immediately necessary for
26 the preservation of the public peace, health, or safety, or for

1 the support and maintenance of the departments of the state
2 government and state institutions; but to allow opportunity for
3 referendum petitions, no act passed by the legislature shall be
4 operative for ninety days after the close of the session of the
5 legislature enacting such measure, except such as require earlier
6 operation to preserve the public peace, health, or safety, or to
7 provide appropriations for the support and maintenance of the
8 departments of the state and of state institutions; provided,
9 that no such emergency measure shall be considered passed by the
10 legislature unless it shall state in a separate section why it is
11 necessary that it shall become immediately operative, and shall
12 be approved by the affirmative votes of two-thirds of the members
13 elected to each house of the legislature, taken by roll call of
14 ayes and nays, and also approved by the governor; and should such
15 measure be vetoed by the governor, it shall not become a law
16 unless it shall be approved by the votes of three-fourths of the
17 members elected to each house of the legislature, taken by roll
18 call of ayes and nays.

19 (4) Initiative and referendum petitions; filing. All
20 petitions submitted under the power of the initiative shall be
21 known as initiative petitions, and shall be filed with the
22 secretary of state not ~~less~~ **LATER** than ~~four months~~ **DECEMBER 31 IN**
23 **THE YEAR** preceding the date of the election at which the measures
24 so proposed are to be voted upon. All petitions submitted under
25 the power of the referendum shall be known as referendum
26 petitions, and shall be filed with the secretary of state not
27 more than ninety days after the final adjournment of the session
28 of the legislature which shall have passed the measure to which
29 the referendum is applied. The filing of a referendum petition
30 against any item, section, or part of any measure shall not
31 prevent the remainder of such measure from becoming operative.

1 (5) Effective date of initiative and referendum measures.
2 Any measure or amendment to the constitution proposed under the
3 initiative, and any measure to which the referendum is applied,
4 shall be referred to a vote of the qualified electors, and shall
5 become law when approved by a majority of the votes cast thereon
6 and upon proclamation of the governor, and not otherwise. ~~FOR~~
7 ~~ANY CONSTITUTIONAL AMENDMENT THAT IS APPROVED BY A VOTE OF THE~~
8 ~~QUALIFIED ELECTORS, THE CONSTITUTIONAL AMENDMENT IS ENACTED INTO~~
9 ~~LAW BUT SHALL BE REFERRED AGAIN TO THE VOTE OF THE QUALIFIED~~
10 ~~ELECTORS AT THE GENERAL ELECTION HELD EIGHT YEARS AFTER ITS~~
11 ~~INITIAL PASSAGE. THIS RESUBMITTAL OF AN APPROVED MEASURE SHALL~~
12 ~~OCCUR BY OPERATION OF LAW AND IS EXEMPT FROM PETITION CIRCULATION~~
13 ~~AND LEGISLATIVE REVIEW.~~

14 (6) (a) Veto of initiative or referendum. The veto power
15 of the governor shall not extend to an initiative measure
16 approved by a majority of the votes cast thereon or to a
17 referendum measure decided by a majority of the votes cast
18 thereon.

19 ~~(6)~~ (b) Legislature's power to repeal initiative or
20 referendum. The legislature shall not have the power to repeal an
21 initiative measure approved by a majority of the votes cast
22 thereon or to repeal a referendum measure decided by a majority
23 of the votes cast thereon.

24 ~~(6)~~ (c) Legislature's power to amend initiative or
25 referendum. The legislature shall not have the power to amend an
26 initiative measure approved by a majority of the votes cast
27 thereon, or to amend a referendum measure decided by a majority
28 of the votes cast thereon, unless the amending legislation
29 furthers the ~~purposes of~~ ~~THE INTENT OF THE PEOPLE IN ADOPTING~~
30 such measure ~~AND IS NECESSARY TO CORRECT PROBLEMS IN IMPLEMENTING~~
31 ~~THE MEASURE~~ and at least ~~three-fourths~~ ~~TWO-THIRDS~~ of the members

1 of each house of the legislature, by a roll call of ayes and
2 nays, vote to amend such measure.

3 ~~(6)~~ (d) Legislature's power to appropriate or divert
4 funds created by initiative or referendum. The legislature shall
5 not have the power to appropriate or divert funds created or
6 allocated to a specific purpose by an initiative measure approved
7 by a majority of the votes cast thereon, or by a referendum
8 measure decided by a majority of the votes cast thereon, unless
9 the appropriation or diversion of funds furthers the ~~purposes of~~
10 THE INTENT OF THE PEOPLE IN ADOPTING such measure AND IS
11 NECESSARY TO CORRECT PROBLEMS IN IMPLEMENTING THE MEASURE and at
12 least ~~three-fourths~~ TWO-THIRDS of the members of each house of
13 the legislature, by a roll call of ayes and nays, vote to
14 appropriate or divert such funds.

15 (7) Number of qualified electors. The whole number of
16 votes cast for all candidates for governor at the general
17 election last preceding the filing of any initiative or
18 referendum petition on a state or county measure shall be the
19 basis on which the number of qualified electors required to sign
20 such petition shall be computed.

21 (8) Local, city, town or county matters. The powers of
22 the initiative and the referendum are hereby further reserved to
23 the qualified electors of every incorporated city, town, and
24 county as to all local, city, town, or county matters on which
25 such incorporated cities, towns, and counties are or shall be
26 empowered by general laws to legislate. Such incorporated
27 cities, towns, and counties may prescribe the manner of
28 exercising said powers within the restrictions of general laws.
29 Under the power of the initiative fifteen per ~~centum~~ CENT of the
30 qualified electors may propose measures on such local, city,
31 town, or county matters, and ten per ~~centum~~ CENT of the electors
32 may propose the referendum on legislation enacted within and by

1 such city, town, or county. Until provided by general law, said
2 cities and towns may prescribe the basis on which said
3 percentages shall be computed.

4 (9) Form and contents of initiative and of referendum
5 petitions; verification. Every initiative or referendum petition
6 shall be addressed to the secretary of state in the case of
7 petitions for or on state measures, and to the clerk of the board
8 of supervisors, city clerk, or corresponding officer in the case
9 of petitions for or on county, city, or town measures; and shall
10 contain the declaration of each petitioner, for himself, that he
11 is a qualified elector of the state (and in the case of petitions
12 for or on city, town, or county measures, of the city, town, or
13 county affected), his post office address, the street and number,
14 if any, of his residence, and the date on which he signed such
15 petition. FOR STATE MEASURES, EACH SHEET CONTAINING SIGNATURES
16 SHALL BE ATTACHED TO A STATEMENT THAT DESCRIBES THE INTENT OF THE
17 MEASURE. FOR COUNTY, CITY OR TOWN MEASURES, each sheet
18 containing petitioners' signatures shall be attached to a full
19 and correct copy of the title and text of the measure so proposed
20 to be initiated or referred to the people. ~~, and~~ Every sheet of
21 every ~~such~~ STATE, COUNTY, CITY OR TOWN petition containing
22 signatures shall be verified by the affidavit of the person who
23 circulated said sheet or petition, setting forth that each of the
24 names on said sheet was signed in the presence of the affiant and
25 that in the belief of the affiant each signer was a qualified
26 elector of the state, or in the case of a city, town, or county
27 measure, of the city, town, or county affected by the measure so
28 proposed to be initiated or referred to the people.

29 (10) FOR STATE INITIATIVE MEASURES, THE FOLLOWING PROCESS
30 APPLIES:

1 (a) AFTER CIRCULATING THE DESCRIPTION OF INITIATIVE INTENT
2 AND COLLECTING SUFFICIENT SIGNATURES AS OTHERWISE PROVIDED BY
3 LAW, THE PERSON PROPOSING THE INITIATIVE MEASURE SHALL SUBMIT THE
4 DESCRIPTION OF INITIATIVE INTENT TO THE LEGISLATURE NO LATER THAN
5 THE SECOND MONDAY IN JANUARY IN THE YEAR OF A GENERAL ELECTION.

6 (b) THE LEGISLATURE SHALL HOLD HEARINGS ON THE PROPOSED
7 LANGUAGE FOR THE INITIATIVE MEASURE AND SHALL SOLICIT COMMENT
8 FROM THE PUBLIC ON THE LANGUAGE. THE LEGISLATIVE COUNCIL SHALL
9 ASSIST IN DRAFTING THE LANGUAGE FOR THE PROPOSED INITIATIVE.

10 (c) NO LATER THAN MARCH 15 IN THE YEAR OF A GENERAL
11 ELECTION, THE LEGISLATURE SHALL COMPLETE ITS CONSIDERATION OF THE
12 PROPOSED LANGUAGE OF THE INITIATIVE MEASURE AND MAY AMEND AND
13 ADOPT THE PROPOSED LANGUAGE AS IF IT WERE ANY OTHER LEGISLATIVE
14 MEASURE.

15 (d) IF THE PROPOSED MEASURE IS A STATUTORY AMENDMENT, THE
16 PERSON WHO PROPOSED THE INITIATIVE MEASURE MAY ACCEPT OR REJECT
17 THE LANGUAGE PROPOSED AND ADOPTED BY THE LEGISLATURE FOR THE
18 MEASURE. IF THE PERSON WHO PROPOSED THE INITIATIVE MEASURE
19 ACCEPTS THE LANGUAGE PROPOSED BY THE LEGISLATURE, THE LANGUAGE
20 ADOPTED BY THE LEGISLATURE BECOMES LAW AND THE INITIATIVE MEASURE
21 SHALL NOT BE SUBMITTED TO A VOTE OF THE QUALIFIED ELECTORS. IF
22 THE PERSON WHO PROPOSED THE INITIATIVE MEASURE REJECTS THE
23 LEGISLATURE'S PROPOSED LANGUAGE OR THE LEGISLATURE FAILS TO ENACT
24 LANGUAGE FOR THE INITIATIVE MEASURE, THAT PERSON MAY CONTINUE THE
25 INITIATIVE MEASURE USING PROPOSED LANGUAGE AS DETERMINED BY THAT
26 PERSON, WHICH SHALL BE SUBMITTED TO VOTE OF THE QUALIFIED
27 ELECTORS AT THE NEXT GENERAL ELECTION.

28 (e) IF THE PROPOSED MEASURE IS A CONSTITUTIONAL AMENDMENT,
29 THE PERSON WHO PROPOSED THE INITIATIVE MEASURE MAY ACCEPT OR
30 REJECT THE LANGUAGE PROPOSED AND ADOPTED BY THE LEGISLATURE FOR
31 THE MEASURE. IF THE PERSON WHO PROPOSED THE INITIATIVE MEASURE
32 ACCEPTS THE LANGUAGE PROPOSED BY THE LEGISLATURE, THE LANGUAGE

1 ADOPTED BY THE LEGISLATURE FOR THAT MEASURE SHALL BE SUBMITTED TO
2 A VOTE OF THE QUALIFIED ELECTORS. IF THE PERSON WHO PROPOSED THE
3 INITIATIVE MEASURE REJECTS THE LEGISLATURE'S PROPOSED LANGUAGE OR
4 THE LEGISLATURE FAILS TO ENACT LANGUAGE FOR THE INITIATIVE
5 MEASURE, THAT PERSON MAY CONTINUE THE INITIATIVE MEASURE USING
6 PROPOSED LANGUAGE AS DETERMINED BY THAT PERSON, WHICH SHALL BE
7 SUBMITTED TO VOTE OF THE QUALIFIED ELECTORS AT THE NEXT GENERAL
8 ELECTION.

9 (f) ON COMPLETION OF LANGUAGE FOR ANY CONSTITUTIONAL OR
10 STATUTORY MEASURE TO BE SUBMITTED TO THE BALLOT, THE LEGISLATIVE
11 COUNCIL SHALL PROVIDE A SHORT DESCRIPTIVE STATEMENT FOR THE
12 MEASURE AS OTHERWISE PROVIDED BY LAW.

13 ~~(10)~~ (11) Official ballot. When any initiative or
14 referendum petition or any measure referred to the people by the
15 legislature shall be filed, in accordance with this section, with
16 the secretary of state, he shall cause to be printed on the
17 official ballot at the next regular general election the title
18 and number of said measure, together with the words "yes" and
19 "no" in such manner that the electors may express at the polls
20 their approval or disapproval of the measure.

21 ~~(11)~~ (12) Publication of measures. The text of all
22 measures to be submitted shall be published as proposed
23 amendments to the constitution are published, and in submitting
24 such measures and proposed amendments the secretary of state and
25 all other officers shall be guided by the general law until
26 legislation shall be especially provided therefor.

27 ~~(12)~~ (13) Conflicting measures or constitutional
28 amendments. If two or more conflicting measures or amendments to
29 the constitution shall be approved by the people at the same
30 election, the measure or amendment receiving the greatest number
31 of affirmative votes shall prevail in all particulars as to which
32 there is conflict.

1 ~~(13)~~ (14) Canvass of votes; proclamation. It shall be
2 the duty of the secretary of state, in the presence of the
3 governor and the chief justice of the supreme court, to canvass
4 the votes for and against each such measure or proposed amendment
5 to the constitution within thirty days after the election, and
6 upon the completion of the canvass the governor shall forthwith
7 issue a proclamation, giving the whole number of votes cast for
8 and against each measure or proposed amendment, and declaring
9 such measures or amendments as are approved by a majority of
10 those voting thereon to be law.

11 ~~(14)~~ (15) Reservation of legislative power. This section
12 shall not be construed to deprive the legislature of the right to
13 enact any measure except that the legislature shall not have the
14 power to adopt any measure that supersedes, in whole or in part,
15 any initiative measure approved by a majority of the votes cast
16 thereon or any referendum measure decided by a majority of the
17 votes cast thereon unless the superseding measure furthers the
18 ~~purposes of~~ THE INTENT OF THE PEOPLE IN ADOPTING the initiative
19 or referendum measure AND IS NECESSARY TO CORRECT PROBLEMS IN
20 IMPLEMENTING THE INITIATIVE OR REFERENDUM MEASURE and at least
21 ~~three-fourths~~ TWO-THIRDS of the members of each house of the
22 legislature, by a roll call of ayes and nays, vote to supersede
23 such initiative or referendum measure.

24 ~~(15)~~ (16) Legislature's right to refer measure to the
25 people. Nothing in this section shall be construed to deprive or
26 limit the legislature of the right to order the submission to the
27 people at the polls of any measure, item, section, or part of any
28 measure.

1 ~~(16)~~ (17) Self-executing. This section of the
2 constitution shall be, in all respects, self-executing.
3 2. The Secretary of State shall submit this proposition to the voters
4 at the next general election as provided by article XXI, Constitution of
5 Arizona."
6 Amend title to conform

KIRK ADAMS

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C: MYR